

Rep. John Lewis
House of Representatives
Washington, DC 20515

7627 Old Receiver Road
Frederick, Md. 21702
3/23/93

Dear Congressman Lewis,

Your request that the Army disclose its records of spying on black civil rights leaders, as reported in our local papers, appears to me to be, based on personal knowledge and records I have, quite incomplete. I have several FBI files reflecting the routing to various military components of non-criminal information (and not infrequently misinformation) on innumerable blacks of whom most by far were not leaders. I explain.

With the knowledge and information I acquired in the course of writing five books on the JFK assassination and its investigations, factual, not theorizing solutions, I had immediate doubts about the official explanations of the assassination of Dr. King. When the FBI rejected my FOIA request for its relevant records, in which it was supported by the Department of Justice, I wrote a book on the King assassination based entirely on what was public. When it appeared Congressman Conyers gave copies I bought for it to all the Members of the black caucus.

The Congress amended the investigatory files exemption of the Freedom of Information Act in 1974. Senator Kennedy saw to it that the legislative history be clear, that this amendment was required by FBI corruption in one of my earliest FOIA lawsuits, I then filed new FOIA requests for the Department's, including the FBI's, relevant records. My request had been stonewalled for about six months before I filed suit, C.A.75-1996 in Federal district court for the District of Columbia. Jim Lesar was my lawyer. (393-1921)

After I completed my book on the King assassination, Frame-Up, in 1971, I arranged for Ray to ask a lawyer friend to become his counsel. I was the investigator. Lesar was then junior counsel but he did most of the legal work and I did all the investigating. I had hoped to make the system work but it refused to. Based on my investigation the habeas corpus succeeded and Ray was given an evidentiary hearing. Based on my work and the witnesses I produced, with Lesar doing most of the in-court work, we actually exonerated Ray. Details if you'd like. The judge held that guilt or innocence were not material to what was before him, Ray was denied the trial he has never had, and the system failed.

When FOIA was amended I discontinued work on a second King assassination book to obtain the secret government records. The first records that I got from the FBI raised the most substantial doubts about the official solution and were close to refuting it. Congressman Conyers was again very helpful in arranging a press conference for me to give copies of those records to the media. I was then ill with the illnesses that have severely limited what I have been able to do. That lawsuit lasted about 10 years, thanks to government stonewalling that was facilitated by repetitious perjury. In the end I got 60,000 to 80,000 pages, mostly of the FBI, including those of about seven field offices.

One of these was the Memphis office. Among the records I obtained from it in its obviously incomplete compliance were those relating to the sanitation-workers strike in support of which Dr. King was in Memphis and to the group of young blacks who took the name The Invaders. These two files are essentially domestic spying. (I also have those FBI headquarters files.) The main case file is known by the FBI acronym MURKIN.

If you saw the Fox TV special at the time of Dr. King's birthday you have a notion of the volume of the records I obtained in all my 12 or so FOIA cases. If you did not see that and are interested in the size of this archive, when Unsolved Mysteries was here to interview me for its show to be aired just before the assassination anniversary, on Wednesday, March 31, They filmed me looking in a drawer of King assassination records, looking down one of three rows of JFK assassination records. I tell you this in the event you know a student who might want to use these records. Or anyone else who might.

These two FBI Memphis domestic-intelligence files on blacks and on whites who sought to be of help were distributed extensively. With the field office records, distribution is recorded at the left bottom of first pages. While after all these years and illnesses I cannot be certain of my recollection, I am certain that distributed to Army intelligence components is reflected. My uncertainty relates to other branches of the domestic military. I am reasonably sure some Navy was included.

Most by far of these records related to young blacks, not leaders. There were some on leaders, national and local. In Memphis alone hundreds of people. I have no way of knowing what files the Army established byt the Memphis FBI had files on all these people, as some kind of subversive.

Through the FBI, if my recollection is correct, the Army also got the results of local police spying. The FBI got copies and I believe did distribute them. The records I obtained include copies of some of these police spy reports, domestic intelligence. The most effective of these spies was the first man to reach the fallen Dr. King, a young black policeman who as of then had never worked in uniform named Marrell McCullough. The police even spied on the Congressional campaign of Harold Ford, with copies distributed.

Because there is no reason to believe that the Army's interest was limited to the south, and the FBI's certainly wasn't, there was created a nation-wide virtual Gestapo on blacks.

The FBI's interest in this domestic spying was so great it did nothing about deserters to be able to spy better.

There is no chance at all, by the way, that the disclosure of the records you want disclosed, can resolve "the unthinkable question of whether the United States Army conspired with others who may have been involved" in the King assassination. The assassination itself was never investigated and never was intended to have been. At one point when the FBI was embarrassed it stated that its was a UFAC investigation, unauthorized flight to avoid

confinement, because Ray had escaped from the Missouri state pen in Jefferson. However, from the FBI records I have and have read and more, from my own investigations, I am confident that the Army was not in any way involved.

If the Army honors your request it will not have disclosed most of its records of spying on blacks.

Because of the way FOIA processing works, the Army should have completed its review of the records obtained by the Commercial-Appeal before that story was written. Every page has to be read to ascertain whether disclosure is proper. There are many defamatory records for example. This was of negligible concern to the FBI in its processing of records ^{on blacks} for me, by the way. So at the very least the Army's FOIA component reviewed all the records if disclosed before they were disclosed. Unless Captain Burkner's quoted statement relates to more than the records disclosed to the Memphis paper.

Because you asked Chairman Dellums to conduct an investigation I am sending him a copy of this letter. He may remember my King assassination book. If any Members want copies I have the original printing and it is currently a quality paperback reprint more easily available in books stores, under the title Martin Luther King: the Assassination. (Carroll & Graf, New York.)

Because I refer to FBI records, particularly because they are of domestic spying that I believe was not properly part of the Army's business, I am also sending a copy to Rep. Don Edwards.

I add because your statement reflects the belief that the Army could have been involved in the King assassination conspiracy- and on the basis of fact, not theory, there absolutely was a conspiracy - I wonder if you and other Members have been misled by just about all the other books on the King assassination. They are not factual, they are at their best theories, the theories have no basis in the well-known and available fact, and they have had the effect, tragically, of misleading those who care. If you question this opinion I can give you the names of three professors who teach the subject and who are my friends. One, Dr. Gerald McKnight, professor of history at local Hood College, wrote two relatively short articles on these two FBI domestic-intelligence on blacks files for the South Atlantic Quarterly.

When I am no longer able to use these files and to make them available to others, along with all I have they will be a permanent public archive at Hood College. Its plans for them include making them available to other institutions by some modern optical gadgetry that is a mystery to me. Except in interviewing me not a single black has been here to use these records. I make them available to all writers and students.

I apologize for my typing. I regret it cannot be any better. I'll be 80 in less than three weeks, with a number of medical problems. One requires that I sit with my legs elevated, the with typewriter to the side.

Harold Weisberg

Sincerely,
Harold Weisberg